

<p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK</p> <p>-----X</p> <p>DOMINIQUE DEMONCHAUX.</p> <p></p> <p>Plaintiff,</p> <p>-against-</p> <p>UNITED HEALTHCARE OXFORD AND OXFORD HEALTH PLANS (NY), INC.,</p> <p>Defendants.</p> <p>-----X</p>	<p>Civ. Act. No.: 10 CIV. 4491 (DAB)</p> <p>AFFIRMATION OF DEBORAH A. LIEBER IN SUPPORT OF PLAINTIFF'S MOTION FOR ATTORNEY FEES AND COSTS</p> <p>DOCUMENT <u>ELECTRONICALLY FILED</u></p>
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**AFFIRMATION DEBORAH A. LIEBER IN SUPPORT OF PLAINTIFF'S
MOTION FOR ATTORNEY FEES AND COSTS**

Plaintiff, Dominique Demonchaux, hereby submits the following Affirmation of Deborah A. Lieber in support of her Motion for an Award of Attorneys' Fees and Costs.

I, Deborah A. Lieber, declare and state:

1. I am an attorney duly licensed to practice law before all of the Courts of the State of California, the District Courts of the Central, Northern, Eastern, and Southern Districts of California, and the Ninth Circuit Court of Appeals. I am a senior associate in the law firm of Kantor & Kantor LLP, one of the counsel of record for plaintiff Dominique Demonchaux in this action. The following facts are of my own personal knowledge and if called as a witness I could and would competently testify thereto.

2. I have practiced law for over 22 years. For the first 15 years of my legal career, I worked in two law firms; Acker, Kowalick and Whipple from 1990 through 1993; and Dennison, Bennett and Press from 1993-2005. Both of these firms handled insurance and civil litigation and

my work involved defending insureds and insurance companies in lawsuits involving breach of contract, bad faith, personal injury, property damage and business litigation. My work was in both Federal and State Court.

3. In 2005, I started my own law practice specializing in insurance law, working as an attorney representing clients in breach of contract, bad faith, and ERISA cases with a primary focus on obtaining benefits for individuals with pervasive development disorders (Autism) and other related learning and developmental disabilities. For the most part, I represented clients seeking special education services for their children with special needs both through their health insurance and with the local school districts through administrative law proceedings, including mediation and arbitration. I also worked as a consultant with special education service providers and assisted these providers and their clients with obtaining benefits for special education services through their health insurance and local state agencies. I also served, and continue to serve, as a “surrogate parent” through the Los Angeles Unified School District representing children in the foster care system and assisting them in receiving special education services.

4. I joined Kantor & Kantor in February 2011, wherein all of my practice is now devoted to the representation of clients in disputes with their insurance carriers regarding health claims. The majority of cases I have handled with Kantor & Kantor have involved ERISA health claims with clients who suffer from severe mental illnesses, such as anorexia and bulimia. I estimate that since joining Kantor & Kantor, I have been the primary attorney on at least 40 ERISA health cases and approximately 6 non-ERISA health claims, and have actively assisted in the handling of 25 more ERISA cases.

5. I have negotiated the issue of attorneys’ fees in a number of ERISA litigation matters resolved during 2011 and 2012. While it has not been necessary to bring a Motion to have the attorneys’ fees adjudicated by the Court, the resolution of the attorneys’ fee issue has been predicated upon my hourly rate of \$500.00 per hour.

6. As described in the concurrently filed Affirmation of Lisa S. Kantor, and for the reasons set forth therein, the rate currently charged by Kantor & Kantor for my time effective

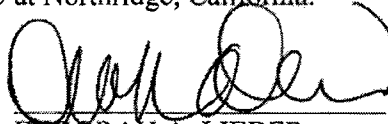
February 2011, is \$500 per hour. This rate is reasonable and consistent with the rates charged by firms performing similar legal services, as explained in the concurrently filed Affirmation of Lisa S. Kantor.

7. Depending upon the Opposition Brief filed by Defendant, I anticipate that I will spend an additional 6 hours in reviewing the brief and cited authority and preparing the Reply Brief. If such further work is required, our total fees (excluding non-statutory costs) will be \$3,000.00 (6 hours) for brief preparation.

8. Attached to Lisa Kantor's affirmation as Exhibit G is the Billing Detail of the services which I performed in the case, the date the work was performed, and the amount of time spent performing the task. I carefully prepared and reviewed the Attorney Billing Detail as it pertained to the time I spent working on Ms. Demonchaux's case and I attest hereto as to the accuracy of the information as it pertains to my time. To date, Kantor & Kantor has not received any form of remuneration for its services.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 2nd day of April, 2013 at Northridge, California.


DEBORAH A. LIEBER

CERTIFICATE OF SERVICE

I certify that on May 15, 2013, I served a true and complete copy of the foregoing Affirmation by transmitting the same by electronic mail to the following individuals at the e-mail addresses indicated:

Michael H. Bernstein, Esq.
Sedgwick LLP
225 Liberty Street, 28th Floor
New York, NY 10281-1008
Michael.Bernstein@sedgwicklaw.com

I also certify that this document filed through the ECF system will be sent electronically to all registered participants on May 15, 2013.

Dated: New York, New York
May 15, 2013

/s/ Scott M. Riemer
Scott M. Riemer (SR 5005)
RIEMER & ASSOCIATES LLC
60 East 42nd Street, Suite 1750
New York, New York 10165
(212) 297-0700
sriemer@riemerlawfirm.com